

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

MARIE B. DAVIS

PLAINTIFF

VS.

CIVIL ACTION NO.: 2:10CV00115-DAS

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

DEFENDANT

FINAL JUDGMENT

This cause is before the court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for disability insurance benefits, a period of disability, and supplemental security income. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the court's oral ruling following the parties' oral argument, the ALJ failed to fully and fairly develop the record with regard to the claimant's carpal tunnel syndrome, and as a result, his residual functional capacity finding is not supported by substantial evidence in the record. Ultimately, the claimant was prejudiced by this failure. Accordingly, on remand the ALJ shall order a consultative examination for the claimant with the goal of determining what, if any, functional limitations are associated with the claimant's carpal tunnel syndrome. The ALJ may conduct any additional proceedings not inconsistent with this order. However, the court's ruling should in no way be construed as an advisory opinion in favor of a finding of disability.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REVERSED** and **REMANDED** for further proceedings.

This, the 21st day of June, 2011.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE